

DAYLE ELIESON
United States Attorney
DAVID L. JAFFE
Chief
Organized Crime and Gang Section
U.S. Department of Justice
DAVID N. KARPEL
Trial Attorney
Organized Crime and Gang Section
U.S. Department of Justice
DANIEL R. SCHIESS
Nevada Bar No. 5483
CRISTINA D. SILVA
Nevada Bar No. 13760
CHRISTOPHER F. BURTON
Nevada Bar No. 12940
Assistant United States Attorneys
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
FAX: (702) 388-5087
david.karpel@usdoj.gov
dan.schiess@usdoj.gov
cristina.silva@usdoj.gov
christoper.burton4@usdoj.gov

Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEVEN CARR,

Defendant.

2:16-cr-00265-GMN-CWH

GOVERNMENT'S MOTION TO
DISMISS CRIMINAL
INDICTMENT PURSUANT TO
FEDERAL RULE OF
CRIMINAL PROCEDURE 48(A)

The United States of America, by and through the undersigned attorneys, respectfully seeks leave of court pursuant to Federal Rule of Criminal Procedure 48(a) to dismiss the above-captioned case against defendant STEVEN CARR.

On September 21, 2018, a Report and Recommendation (“R&R”) (ECF No. 1163) was issued granting Defendant’s motion to dismiss (ECF No. 632). As discussed in the R&R, Magistrate Judge Hoffman determined that Carr’s plea agreement from his 2013 case was unclear and ambiguous due, in part, to the decisions rendered in *Johnson v. United States*, 135 S.Ct. 2551 (2015), and *Dimaya v. Lynch*, 803 F.3d. 1110 (9th Cir. 2015). *See generally* ECF No. 1163 at 7-8. Consequently, because the Court determined Carr’s 2013 plea agreement was ambiguous, it construed the ambiguity against the Government, and recommended that Carr’s motion to dismiss be granted. *Id.* at 8.

The Government has considered the R&R and has decided that, given the specific circumstances of Carr's case and the interests of justice, it will not object to the R&R at this time. As a result, the United States respectfully requests that the above-captioned case against defendant STEVEN CARR be dismissed without prejudice, and the case against him be closed.

DATED: October 5, 2018.

Respectfully submitted,

DAYLE ELIESON
United States Attorney

//s//

CRISTINA D. SILVA
DANIEL R. SCHIESS
CHRISTOPHER BURTON
Assistant United States Attorneys

//s//

DAVID KARPEL
Trial Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Attorney's Office. A copy of the foregoing was served upon counsel of record via Electronic Case Filing (ECF).

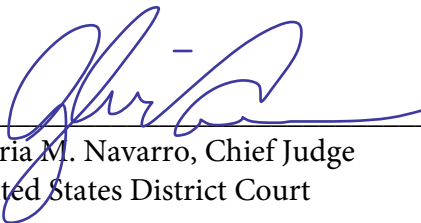
DATED this 5th day of October, 2018.

//s// Cristina D. Silva

CRISTINA D. SILVA
Assistant United States Attorney

IT IS SO ORDERED.

DATED this 5 day of October, 2018.



Gloria M. Navarro, Chief Judge
United States District Court